

**DENTISTRY EXAMINING BOARD  
MINUTES  
NOVEMBER 2, 2011**

- PRESENT:** Linda Bohacek, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; John Grignon, DDS; Adriana Jaramillo, DDS; Lyndsay Knoell, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; William Stempiski, DDS
- STAFF:** Berni Mattsson, Executive Director; Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff
- GUESTS:** Warren LeMay, Division of Public Health; Mara Brooks, Gene Shoemaker and Mark Paget, WDA; Susanna Mikkelsen, Shari Crowe, Vicki McKinney and Peter Theo, WDHA; Lori Pelke, Midwest Dental; Matt Crespin, CHAW; Bruce Barrette and Nanette Kosydar Dreves, ADEX

**CALL TO ORDER**

Lyndsay Knoell, Vice Chair, called the meeting to order at 8:31 a.m. A quorum of nine (9) members was confirmed.

**PLEDGE OF ALLEGIANCE**

The Board members, staff and guests rose and recited the Pledge of Allegiance

**ADOPTION OF AGENDA**

**Amendments:**

- Add PLEDGE OF ALLEGIANCE after CALL TO ORDER – ROLL CALL
- Item E – PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS – add:
  - 6) 10 DEN 007 – Ingo G. Mahn, DDS
    - a) Attorney Susan Gu
    - b) Case Advisor Kirk Ritchie
  - 7) 11 DEN 056 – Steven R. Schnoll, DDS
    - a) Attorney Jim Polewski
    - b) Case Advisor William Stempiski
- Item J –DELIBERATION OF PROPOSED STIPULATIONS... - insert after page 102:
  - 6) 10 DEN 007 – Ingo G. Mahn, DDS
    - a) Attorney Susan Gu
    - b) Case Advisor Kirk Ritchie
  - 7) 11 DEN 056 – Steven R. Schnoll, DDS
    - a) Attorney Jim Polewski
    - b) Case Advisor William Stempiski

- Item L-1 – MONITORING – Debra M. Peterson, RDH, is deleted
- Case Status Report – insert at the end of the agenda in closed session
- Updated Board Roster – for Board information only

**MOTION:** John Grignon moved, seconded by Kirk Ritchie, to adopt the agenda as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF SEPTEMBER 7, 2011**

#### **Corrections:**

- On page 4, under BOARD APPOINTMENT UPDATES, in the second sentence place a period after “Christman.” Delete “and” and start a new sentence with “Lyndsay”
- On page 5, under UPDATE REGARDING THE SUBCOMMITTEE... in the second sentence delete the first “to”

**MOTION:** Linda Bohacek moved, seconded by Sandra Linhart, to approve the minutes of September 7, 2011 as corrected. Motion carried unanimously.

### **ELECTION OF BOARD OFFICERS AND BOARD APPOINTMENTS**

**NOMINATION:** Kirk Ritchie nominated Lyndsay Knoell for Chair.

Berni Mattsson called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Lyndsay Knoell was elected Chair by unanimous vote.

**NOMINATION:** Lyndsay Knoell nominated John Grignon for Vice Chair.

Berni Mattsson called for nominations a total of three times. Hearing no additional nominations, a vote was called.

John Grignon was elected Vice Chair by unanimous vote.

**NOMINATION:** John Grignon nominated Linda Bohacek for Secretary.

Berni Mattsson called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Linda Bohacek was elected Secretary by unanimous vote.

## **2012 OFFICERS**

<b>CHAIR</b>	<b>Lyndsay Knoell</b>
<b>VICE CHAIR</b>	<b>John Grignon</b>
<b>SECRETARY</b>	<b>Linda Bohacek</b>

Board appointments will be addressed at the first meeting in 2012.

## **EXECUTIVE DIRECTOR MATTERS**

### **Staff Updates**

Berni Mattsson, Executive Director, introduced herself to the Board and gave a brief history of her background. Kelli Kaalele is now the Division Administrator for Board Services.

### **2012 Updated Meeting Dates**

Bernie Mattsson reviewed the updated 2012 meeting dates with the Board.

## **PRESENTATIONS OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

Division of Enforcement staff presented the following:

- John C. Stacey, DDS - 07 DEN 068
- Brian T. Fick, DD - 09 DEN 111
- Robert J. Bastic, II, DDS – 09 DEN 128
- Thomas M. Frye, DDS – 11 DEN 009
- Howard J. Lubin, DDS – 11 DEN 057
- Ingo G. Mahn, DDS – 10 DEN 007
- Steven R. Schnoll – 11 DEN 056

These matters will be deliberated in closed session.

## **BOARD DISCUSSION ITEMS**

### **DIVISION OF ENFORCEMENT MATTERS**

There were no issues at this time.

## **EDUCATION AND EXAMINATION MATTERS**

### **Update on NERB and ADEX Activities – Nan Kosydar Dreves, RDH**

Nan Kosydar Dreves gave a presentation the ADEX exam and activities. Dr. Bruce Barrette also addressed the Board.

### **Discussion of the Definition of “Affiliated” as Relates to Programs and Clinics Affiliated with CODA Approved Schools and Proposed Language Changes to CR 11-034**

The Board reviewed the correspondence from the WDA, Marquette University School of Dentistry, Medical College of Wisconsin and the Wisconsin Society of Oral and Maxillofacial Surgeons.

**MOTION:** Adriana Jaramillo moved, seconded by Mark Braden, to re-insert the phrase “primary educational facility” where it had been previously deleted. Motion carried unanimously.

**MOTION:** Eileen Donohoo moved, seconded by Adriana Jaramillo, to insert the word “dental” after each reference to “post-graduate”. The phrase will now read “accredited post-graduate dental residency training program.” Motion carried unanimously.

Legal counsel advised the Board that these language changes will delay the rules process.

## **CREDENTIALING MATTERS**

### **Application and Licensure by Endorsement Issues Related to NERB, CRDTS, Board Specialty Certification and Regional Examinations**

**MOTION:** Adriana Jaramillo moved, seconded by Linda Bohacek, to accept all regional examinations for dental applicants irrespective of the date the examination was taken. Motion carried unanimously.

## **PRACTICE QUESTIONS/ISSUES**

### **Dental Hygiene Students and Fluoride Varnish**

The Board reviewed correspondence from Susan Kloosterboer from Madison College regarding dental hygiene students applying a fluoride varnish. The scenario as outlined in the correspondence would not be permitted. Legal counsel will respond as directed by the Board and in accordance with the statutes and rules.

## **LEGISLATION/ADMINISTRATIVE RULES**

### **Review and Approve Final Drafts and Legislative Reports for DE1; DE2, 6, 7; DE 2, 13**

Due to the language changes made today, the draft cannot move forward at this time. The revised draft will be brought back to the January 4, 2012 meeting.

## **LIAISON REPORTS**

There were no reports.

## **SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS**

There were no requests at this time.

## **UPDATE FROM WORK GROUP ON SLEEP APNEA**

Lydia Thompson has researched sleep apnea as it relates to the dentistry scope of practice. It appears the treatment, monitoring and follow-up for sleep breathing disorders are within the scope of dentistry as it relates to oral appliances if such treatment, monitoring and follow-up includes a multi-disciplinary team approach with a sleep physician and possibly an oral surgeon if needed.

More discussion is needed and this will be revisited at the next meeting.

## **UPDATE FROM WORK GROUP ON LASER USE BY HYGIENISTS**

The Board discussed the use of lasers by dental hygienists. New technologies must be used within the standard of care. Lyndsay Knoell appointed Mark Braden to the work group. This subject will be revisited at the next meeting.

## **TEETH WHITENING**

The Federal Trade Commission (FTC) has filed an action against another state for blocking teeth whitening by non-dentists. Legal counsel recommended the Board not take any action until this issue is resolved.

## **INFORMATIONAL ITEMS**

There were no informational items.

## **NEW BUSINESS**

There was no new business.

**PUBLIC COMMENTS**

Shari Crowe, WDHA, addressed the Board.

**CLOSED SESSION**

**MOTION:** Eileen Donohoo moved, seconded by John Grignon, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll call vote: Linda Bohacek-yes; Mark Braden-yes; Eileen Donohoo-yes; John Grignon-yes; Adriana Jaramillo-yes; Lyndsay Knoell-yes; Sandra Linhart-yes; Kirk Ritchie-yes; William Stempski-yes. Motion carried unanimously.

Open Session recessed at 11:22 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:04 p.m.

**VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**JOHN C STACEY, DDS  
07 DEN 068**

**MOTION:** Adriana Jaramillo moved, seconded by Eileen Donohoo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against John C. Stacey, DDS. Motion carried. Lyndsay Knoell was excused during deliberation and abstained from voting.

**BRIAN T FICK, DDS  
09 DEN 111**

**MOTION:** Linda Bohacek moved, seconded by Eileen Donohoo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Brian T. Fick, DDS. Motion carried unanimously.

**ROBERT J BASTIC, II, DDS**  
**09 DEN 128**

**MOTION:** Adriana Jaramillo moved, seconded by Linda Bohacek, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Robert J. Bastic, II, DDS. Motion carried unanimously.

**THOMAS M FRYE, DDS**  
**11 DEN 009**

**MOTION:** Adriana Jaramillo moved, seconded by Mark Braden, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Thomas M. Frye, DDS. Motion carried unanimously.

**HOWARD J LUBIN, DDS**  
**11 DEN 057**

**MOTION:** Linda Bohacek moved, seconded by Adriana Jaramillo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Howard J. Lubin, DDS. Motion carried unanimously.

**INGO G MAHN, DDS**  
**10 DEN 007**

**MOTION:** Linda Bohacek moved, seconded by Mark Braden, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Ingo G. Mahn, DDS. Motion carried unanimously.

**STEVEN R SCHNOLL, DDS**  
**11 DEN 056**

**MOTION:** Eileen Donohoo moved, seconded by Adriana Jaramillo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Steven R. Schnoll, DDS. Motion carried unanimously.

## **ORDER FIXING COSTS**

**JACK ELDER, DDS**

**05 DEN 020**

**MOTION:** Linda Bohacek moved, seconded by Lyndsay Knoell, to adopt the Order Fixing Costs in the disciplinary proceedings against Jack Elder, DDS. Motion carried. Sandra Linhart was excused during deliberation and abstained from voting.

## **CASE CLOSINGS**

**MOTION:** Adriana Jaramillo moved, seconded by Lyndsay Knoell, to close case **09 DEN 111** for insufficient evidence. Motion carried unanimously.

**MOTION:** Eileen Donohoo move, seconded by Adriana Jaramillo to close case **10 DEN 079** for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Adriana Jaramillo moved, seconded by Eileen Donohoo, to close case **11 DEN 025** for insufficient evidence. Motion carried unanimously.

**MOTION:** Lyndsay Knoell moved, seconded by Mark Braden, to close case **09 DEN 039** for insufficient evidence. Motion carried unanimously.

**MOTION:** Adriana Jaramillo moved, seconded by Linda Bohacek, to close case **10 DEN 062** for insufficient evidence. Motion carried unanimously.

**MOTION:** Linda Bohacek moved, seconded by Mark Braden, to request the respondent in case **05 DEN 133** to appear before the Board at a future meeting. Motion carried. Eileen Donohoo, Lyndsay Knoell, Kirk Ritchie and William Stempiski were excused during deliberation and abstained from voting.

## **OTHER BOARD BUSINESS**

**MOTION:** Mark Braden moved, seconded by Lyndsay Knoell, to approve Dr. Keith Clemence as the Wisconsin ADEX dental representative. Motion carried unanimously.

**MOTION:** Adriana Jaramillo moved, seconded by Lyndsay Knoell, to correct the language in DE 1.02(2) by deleting "American Dental Association" and inserting "Commission on Dental Accreditation"

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and to make the same correction in any other places in the rules as deemed appropriate by the liaison appointed by the Board Chair.  
Motion carried unanimously.

Lyndsay Knoell will work with Lydia Thompson on this matter.

**MOTION:** Mark Braden moved, seconded by Lyndsay Knoell, to delete the word “reinstatement” from the introduction to DE 2.03(5) (a) (intro). Motion carried unanimously.

**MOTION:** Linda Bohacek moved, seconded by Adriana Jaramillo, to correct the language in DE 6.02(4) (c) by deleting “Commission on Dental Accreditation” and inserting “American Dental Association.”  
Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** John Grignon moved, seconded by Eileen Donohoo, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:34 p.m.